THE HON'BLE SRI JUSTICE B.PRAKASH RAO

AND

THE HONBLE DR.JUSTICE G.YETHIRAJULU

–

WRIT APPEAL NO. 1862 OF 2005.

Between

Shaik Mahaboob Basha, son of
S.HussainMia, late, aged 53 yrs,
R/o D.No.11/200-A, Kagitalapenta
Kadapa district.

….Appellant

And

1.The A.P.S.R.T.C. rep. By its
Chairman and Managing Director
Musheerabad, Hyderabad and 2
others

…Respondents

–

JUDGMENT (Per Sri B.Prakash Rao, J)

Heard the learned counsel for the appellant and the learned Standing Counsel appearing on behalf of the respondents.

The appellant herein, who worked as a conductor with the respondent corporation and who is unsuccessful in the writ petition wherein a challenge was made against the order of making fresh appointment after regular enquiry

in respect of certain allegations made, filed this appeal.

Having considered the submissions made and on perusal of material on record, it is seen that admittedly the appellant has got alternative remedy of invoking the provisions of the Industrial Disputes Act, 1947 by raising a dispute. In view of the same, it is not open for this court under Article 226 of the Constitution of India to entertain any such writ as against the proceedings and to go into the merits of the case. In the circumstances and as requested by the learned counsel for the appellant, the appellant is at liberty to seek reference by way of proper application to the concerned.

Accordingly, the writ appeal is dismissed. However, it is needless to mention that on such reference being made to the Labour Court, the same shall be enquired into and dispose of on merits in accordance with law uninfluenced by any of the observations made by this Court in this proceeding. No costs.

B.PRAKASH RAO, J

Dated: 17-10-2005.

G.YETHIRAJULU, J

Hsd